

## SENATE BILL No. 124

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-20-10.

**Synopsis:** Registration of composting facilities. Requires a composting facility, upon application to register with the department of environmental management, to: (1) give notices to interested persons; and (2) have a financial assurance plan to cover site restoration if the facility discontinues operation. Changes the period of registration from five to two years. Requires a facility to have controls for the protection of wetlands.

**Effective:** July 1, 2004.

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**Mrvan**

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January 6, 2004, read first time and referred to Committee on Environmental Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 124

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 13-20-10-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. **(a)** To ~~register~~  
3       **renew the registration of** a composting facility for vegetative matter  
4       **that was registered** with the department **before July 1, 2004**, a person  
5       must submit an application to the department that contains the  
6       following:

7       (1) A:

8           (A) legal description; and

9           (B) topographic map;

10       of the site on which the composting facility ~~will be~~ **is** located.

11       (2) A description of the composting facility that indicates the area  
12       ~~to be~~ served by the composting operation.

13       (3) An estimate of the volume of materials ~~that will be~~ processed  
14       annually by the composting facility.

15       (4) **Information showing that the facility is covered for the full**  
16       **registration period by a financial assurance plan adequate to:**

17       **(A) remove all composting vegetative matter; and**



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**(B) restore the site;  
if operation of the facility is discontinued.**

**(5) Any other information that the department or the solid waste management board requires by rule.**

**(b) To register with the department a composting facility for vegetative matter that was not registered with the department before July 1, 2004, a person must submit an application to the department that contains the following:**

**(1) A:**

**(A) legal description; and**

**(B) topographic map;**

**of the site on which the composting facility will be located.**

**(2) A description of the composting facility that indicates the area to be served by the composting operation.**

**(3) An estimate of the volume of materials that will be processed annually by the composting facility.**

**(4) Information showing that the facility will be covered for the full registration period by a financial assurance plan adequate to:**

**(A) remove all composting vegetative matter; and**

**(B) restore the site;**

**if operation of the facility is discontinued.**

**(5) Information showing:**

**(A) compliance with section 4(1) of this chapter; and**

**(B) that notice of the registration application was given:**

**(i) to the members of the general assembly elected from the legislative districts in which the facility is located;**

**(ii) by registered or certified mail to the owners of all real property located within two hundred (200) feet of the facility; and**

**(iii) to the general public under IC 5-3-1.**

**(6) Any other information that the department or the solid waste management board requires by rule.**

**SECTION 2. IC 13-20-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility for vegetative matter:**

**(1) may not be located:**

**(A) within two hundred (200) feet of a well that supplies potable water; or**

**(B) within two hundred (200) feet of a residential structure that exists at the time that the composting facility initially**

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- 1 registers under this chapter;
- 2 (2) must be located outside the ten (10) year floodplain, except a
- 3 facility that is either:
- 4 (A) operated in conjunction with a publicly owned works
- 5 permitted under IC 13-15-3; or
- 6 (B) designed and operated to provide adequate controls to
- 7 prevent ground or surface water contamination in the event a
- 8 ten (10) year flood occurs;
- 9 (3) must be designed and operated to:
- 10 (A) prevent compost from being placed within five (5) feet of
- 11 a water table or provide adequate controls to prevent ground
- 12 or surface water contamination;
- 13 (B) adequately control runoff from the composting facility;
- 14 ~~and~~
- 15 (C) manage leachate that is generated by the composting
- 16 facility; and
- 17 **(D) provide adequate controls to prevent contamination of**
- 18 **wetlands; and**
- 19 (4) must include controls for the following:
- 20 (A) Dust.
- 21 (B) Odor.
- 22 (C) Noise.
- 23 SECTION 3. IC 13-20-10-8 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a)** A registration
- 25 **pursuant to an application submitted** under this chapter ~~(1)~~ **before**
- 26 **July 1, 2004**, expires five (5) years after the date **on which** the
- 27 composting facility for vegetative matter is registered. ~~and (2)~~
- 28 **(b)** A registration pursuant to an application submitted under
- 29 **this chapter after June 30, 2004**, expires two (2) years after the
- 30 **date on which the composting facility for vegetative matter is**
- 31 **registered.**
- 32 **(c)** A registration may be renewed by the person who registered the
- 33 composting facility if the person applies to the department.

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